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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/763,522	01/23/2004	Arthur C. Day	38190/271477 9220		
826 7.	590 03/30/2005		EXAMINER		
ALSTON & I	BIRD LLP	DONOVAN, LINCOLN D			
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER	
CHARLOTTE, NC 28280-4000			2832		

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		App	olication No.	Applicant(s)	Applicant(s)			
Office Action Summary		10/	763,522	DAY ET AL.				
		Exa	miner	Art Unit]			
			coln Donovan	2832				
The N Period for Reply	MAILING DATE of this communicated the second	ation appears	on the cover sheet v	vith the correspondence a	ddress			
THE MAILIN - Extensions of ti after SIX (6) Mi - If the period for - If NO period for - Failure to reply Any reply recei	IED STATUTORY PERIOD FOR G DATE OF THIS COMMUNIC, ime may be available under the provisions of ONTHS from the mailing date of this communication reply specified above is less than thirty (30) or reply is specified above, the maximum statur within the set or extended period for reply will yell by the Office later than three months after erm adjustment. See 37 CFR 1.704(b).	ATION. 37 CFR 1.136(a). I ication. days, a reply within ory period will appli, by statute, cause	In no event, however, may a the statutory minimum of thi y and will expire SIX (6) MO the application to become A	reply be timely filed rty (30) days will be considered time NTHS from the mailing date of this of the constant of the cons	ly. communication.			
Status								
1) Respo	nsive to communication(s) filed	on .						
	This action is FINAL . 2b)⊠ This action is non-final.							
•	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of C	Claims							
 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-26 are subject to restriction and/or election requirement. 								
Application Pap	pers							
9)∏ The spe	ecification is objected to by the I	Examiner.						
10)∏ The dra	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 3	5 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
Attachment(s)								
1) Notice of Refer	rences Cited (PTO-892)			Summary (PTO-413)				
	sperson's Patent Drawing Review (PTC sclosure Statement(s) (PTO-1449 or PT ail Date			s)/Mail Date Informal Patent Application (PTC 	O-152)			

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DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1:

figure 1;

Embodiment 2:

figure 2;

Embodiment 3:

figure 4;

Embodiment 4:

figure 5;

Embodiment 5:

figure 6; and

Embodiment 6:

figure 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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